



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 29, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
5805 N. Lamar Blvd.
Box 4087
Austin, Texas 78773-0001

OR96-0461

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID # 38920.

The Department of Public Safety (the "department") received a request for certain information pertaining to the concealed handgun permit status of two named individuals, as well as information pertaining to the source of the individuals' handgun training certification. You indicate that you have released the information regarding the permit status of the named individuals to the requestor and that the remaining requested information pertaining to the handgun training certification applies to only one of the named individuals. You have submitted documents for our review and you contend the requested information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Consequently, you assert that section 20 of 4413(29ee), V.T.C.S. serves to prohibit disclosure of the source of the individuals' handgun training certification as it reads:

Sec.20 The department shall disclosure to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this article. The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose name is listed on a specified written list is licensed under this

article. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. Except as otherwise provided by this section and by Section 21 of this article, all other records maintained under this article are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, Government Code, except that the applicant or license holder may be furnished a copy of such disclosable records on request and the payment of a reasonable fee. The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the person or agency making the request. Nothing in this section shall prevent the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department.

The only information subject to disclosure under section 20 of Article 4413(29ee), V.T.C.S., is a named individual's name, date of birth, gender, race, and zip code. The school or source of handgun training certification is not listed as disclosable under the confidentiality provision. We agree with your conclusion that the information pertaining to the source of the individual's handgun training certification must be withheld.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 38920

Enclosures: Submitted documents

cc: Ms. Sylvia Moreno
The Dallas Morning News
Communications Center
Dallas, Texas 75265
(w/o enclosures)